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SIPDIS

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TAGS: [ELAB](#) [PHUM](#) [KTIP](#) [TH](#)

SUBJECT: TIP UPDATE: ANOMA FACTORY INVESTIGATION CONCLUDES; CASE NOW  
WITH THE COURTS

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REF A: BANGKOK 1063

Investigation Concludes

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11. (SBU) Summary: The Thai police confirmed September 2 that the investigation into the Anoma factory trafficking in persons case was completed and filed August 19 with the office of Attorney General of Samut Sakhon province. Twenty civil and criminal charges were filed against two Thai citizens in the case, which the Attorney General in Samut Sakhon confirmed was submitted September 10 to the courts. A preliminary hearing is scheduled for October 13. The police confirmed that the Anoma factory remains in operation, although with fewer workers than on the day of the March 10 raid. They also confirmed that while trafficked victims have been provided with social services in Thai government shelters, they remain unable to work until already drafted implementing regulations for the new trafficking law are approved through a RTG cabinet reslution. End Summary.

12. (SBU) On September 2 Emboff spoke with the Thai police inspector's office of the city district of Samut Sakhon, which confirmed that it had completed the investigation into the Anoma factory trafficking in persons (TIP) case (ref a) and filed it August 19 with the office of Attorney General of Samut Sakhon. The Police explained they filed twenty civil and criminal charges against two Thai citizens in the case: the owner of the Anoma factory and her brother the factory manager. The charges include putting workers into slavery situation (unofficial translation from the Thai criminal code), providing shelter to illegal migrants, and not allowing time-off for workers. The police noted they have expanded the investigation in search of five Burmese labor brokers suspected of bringing Burmese migrants to the factory for a high fee, causing some to enter into debt bondage.

13. (SBU) The office of the Attorney General in Samut Sakhon confirmed September 16 that it submitted the case September 10 to the responsible court, which has scheduled a preliminary hearing for October 13. Should the defendants plea not guilty, a trial will then proceed.

14. (SBU) The police investigation found that while the Anoma factory was registered with the Ministry of Commerce, it did not have a factory license as required from the Ministry of Industry's Department of Industrial Works. The police, and NGO contacts in Samut Sakhon, also confirmed that the Anoma factory remains in operation, although with fewer workers than on the day of the March 10 raid.

15. (SBU) Police, Ministry, and NGO contacts also made clear the difficulty of preventing, investigating, and prosecuting TIP cases

in Samut Sakhon given the number of illegal or otherwise unregistered workers in the area. According to the Ministry of Commerce, there are more than 7,690 businesses registered in Samut Sakhon province but only thirty labor inspectors assigned to the area. According to the Ministry of Labor's Department of Employment, there are an estimated 220,000 legal and illegal migrant workers in the area, of which only 76,059 are illegal migrants who have registered with the government and received work permits. As the police explained, unless migrant worker registration is up-to-date and fully enforced, it is difficult to arrest traffickers, the number of which some believe is growing in Samut Sakhon province.

#### Victims Receive Assistance, But Unable to Work

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16. (SBU) Police contacts also noted that more than seventy trafficked victims from the Anoma case (of which ten are children) remain in the Thai government-provided shelters at Baan Kredtrakarn and Baan Poomvet in Pak Kred, Bangkok. While the victims have been provided with social services, they remain unable to work despite the new Anti-Trafficking law's stipulation that trafficked persons may temporarily work in Thailand while their case proceeds through the courts.

17. (SBU) A legal officer in Thai Ministry of Labor's Department of Employment explained this is because the RTG still needs to finalize implementing regulations for the new trafficking law. To this end, the Ministry of Social Development and Human Security (MSDHS) has created draft regulations for cabinet approval, which would reconcile procedures under the new trafficking law with those in place under relevant immigration laws and the law on the employment of foreign workers. While finalized, the draft regulations have yet to be approved at the cabinet level.

18. (U) Note: According to the Ministry of Labor (MOL), the

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Immigration Act generally prohibits migrants who come into Thailand illegally from working. There is an exception for illegal migrants from Laos, Cambodia, and Burma who arrived prior to 2004 per a cabinet resolution of the same year. Individuals covered under this exception received temporary passports and certificates of identification, which allowed them to temporarily stay and work in Thailand. The temporary passports and work permits must be renewed by the MOL annually. Illegal migrants who came into Thailand after 2004 remain unable to work. End Note.